

So Ordered.



A handwritten signature in black ink, appearing to read "J. Holt".

Dated: August 24th, 2021

**Whitman L. Holt
Bankruptcy Judge**

1

2

3

4

5

6

7

8

9

10

UNITED STATES BANKRUPTCY COURT

11

IN AND FOR THE EASTERN DISTRICT OF WASHINGTON

12

In re:

No.: **20-00465-WLH11**

13

HUSCH & HUSCH, INC.,

Chapter **11**

14

Debtor.

FINDINGS OF FACT

15

16 **THIS MATTER** coming before the court for hearing on August 23, 2021 upon the issues
17 raised by Debtor's request for confirmation of Debtor's Fourth Amended Plan of Reorganization
18 filed herein on June 25, 2021 [ECF 340] (hereinafter "Plan" or "the Plan") and based upon the
19 evidence produced, the court now makes the following:
20

21

FINDINGS OF FACT

22

1. The Debtor's Plan was submitted to creditors and other parties in interest;

23

2. The Plan has been accepted in writing by the creditors and equity security holders
whose acceptance is required by law;

24

Findings of Fact -1

SOUTHWELL & O'ROURKE, P.S.
A PROFESSIONAL SERVICE CORPORATION
ATTORNEYS AT LAW
SUITE 960, PAULSEN CENTER
WEST 421 RIVERSIDE AVENUE
SPOKANE, WASHINGTON 99201
TELEPHONE (509) 624-0159

1 3. The provisions of Chapter 11 of the United States Code have been complied
2 with, the Plan has been proposed in good faith and not by any means forbidden by law;

3 4. (a) Each holder of a claim or interest has accepted the Plan or will receive or
4 retain under the Plan property of a value, as of the effective date of the Plan, that is not less
5 than the amount that such holder would receive or retain if the Debtor was liquidated under
6 Chapter 7 of the Code on such date, or (b) the Plan does not discriminate unfairly, and is
7 fair and equitable with respect to each class of claims or interests that is impaired under,
8 and has not accepted the Plan;

9 5. All payments made or promised by the Debtor or by a person issuing
10 securities or acquiring property under the Plan or by any other person for services or for
11 costs and expenses in, or in connection with, the Plan and incident to the case, have been
12 fully disclosed to the court and are reasonable and are hereby approved, or, if to be fixed
13 after confirmation of the Plan, will be subject to approval of the court;

14 6. Confirmation of the Plan is not likely to be followed by the need for further
15 financial reorganization of the Debtor, or (b) if the Plan is a plan of liquidation or partial
16 liquidation, the Plan sets a time period in which liquidation will be accomplished, and
17 provides for the eventuality that the liquidation is not accomplished in that time period;

18 7. Pursuant to the Plan, the following acts or events constitute substantial
19 consummation of the Plan: Appointment of Liquidating Agent;

20 8. Creditors were given Notice of Confirmation and no objections thereto were
21 made, except by Heritage Bank ("Heritage") and Helena Agri-Enterprises, LLC ("Helena").

22 Findings of Fact -2

23 **SOUTHWELL & O'ROURKE, P.S.**
24 A PROFESSIONAL SERVICE CORPORATION
25 ATTORNEYS AT LAW
 SUITE 960, PAULSEN CENTER
 WEST 421 RIVERSIDE AVENUE
 SPOKANE, WASHINGTON 99201
 TELEPHONE (509) 624-0159

Both Helena and Heritage have either approved Plan confirmation and/or waived the objections filed;

9. It is proper that the Plan be confirmed; and

10. It is proper that the "Amendment to Fourth Amended Plan of Reorganization" filed herein on August 20, 2021, under ECF No. 407, be approved without further notice or order of court.

//END OF ORDER///

PRESENTED BY:

SOUTHWELL & O'ROURKE, P.S.

BY: /s/ Dan O'Rourke
DAN O'ROURKE, WSBA #4911
Attorneys for Debtor

Findings of Fact -3

SOUTHWELL & O'ROURKE, P.S.
A PROFESSIONAL SERVICE CORPORATION
ATTORNEYS AT LAW
SUITE 960, PAULSEN CENTER
WEST 421 RIVERSIDE AVENUE
SPOKANE, WASHINGTON 99201
TELEPHONE (509) 624-0159